United Nations A/60/177

General Assembly

Distr.: General
1 August 2005

Original: English

Sixtieth session
Item 82 of the provisional agenda*
Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The report of the International Criminal Court is submitted herewith to the General Assembly, in accordance with the provisions of article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (A/58/874, annex).

* A/60/150.

05-44854 (E) 010905

Report of the International Criminal Court for 2004

Summary

The International Criminal Court (hereinafter "the Court") is an independent, treaty-based, permanent judicial institution with jurisdiction over persons for the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes. By punishing individuals who commit these crimes, the Court is intended to contribute to the deterrence of such crimes as well as to international peace and security and respect for international justice. The Court is complementary to national jurisdictions and its Statute and Rules of Procedure and Evidence guarantee fair, public trials consistent with internationally recognized human rights. To be effective in its activities, the Court needs the cooperation of States, international organizations and civil society.

The judges and the Prosecutor of the Court took office in 2003. Two years later, the Court has entered the judicial phase of its operations. Three States parties have referred situations on their territories to the Prosecutor. The Security Council has referred one situation to the Prosecutor. The Prosecutor is investigating three situations: the Democratic Republic of the Congo; Uganda; and Darfur, the Sudan, and is monitoring eight other situations. The Court is conducting field operations and the Pre-Trial Chambers have begun the first judicial proceedings.

While respecting the necessary independence of the organs of the Court under the Rome Statute, the different organs of the Court coordinate their activities on matters of common concern, including strategic planning; external relations, public information, and outreach; and the operation of field presences. The Court is committed to transparency and accountability in its activities, and maintains regular dialogue with States parties, non-State parties, international organizations, in particular the United Nations, and civil society.

The different organs of the Court contribute to the objectives of the Court in accordance with their respective mandates. The Presidency has a wide range of administrative, judicial and external relations responsibilities. The judges have been preparing for the fair and expeditious conduct of proceedings and have begun to conduct the first proceedings at the pre-trial level. The Office of the Prosecutor is responsible for analysing information on possible crimes and conducting investigations and prosecutions; its work in the last two years has focused on establishing the Office, consulting with stakeholders in the development of guiding strategies and launching the first operational activities, including the three current investigations. The Registry provides administrative and operational support to all organs of the Court while carrying out its specific mandates in relation to victims, witnesses, defence and outreach in both headquarters and the field.

Since 2002, the Assembly of States Parties has held three sessions, during which it has adopted a number of instruments, rules, regulations and resolutions which, in accordance with the Rome Statute, constitute the normative framework for the activities of the Court. The Assembly has also established a Committee on Budget and Finance to provide an appropriate mechanism for the budgetary and financial review and monitoring of the resources of the Court. The Bureau of the Assembly established two working groups.

The Court has made substantial progress since the judges and the Prosecutor assumed office. However, the Court cannot succeed alone. The work of the Court is a common endeavour, dependent on the support and cooperation of all States parties, as well as other States, international organizations and civil society.

Contents

		Paragraphs	Page
	Summary		2
I.	Introduction	1–9	4
II.	Activities involving the whole Court	10–16	5
III.	Presidency	17–20	7
IV.	Chambers	21–25	8
V.	Office of the Prosecutor	26–40	9
VI.	Registry	41–52	11
VII.	Assembly of States parties	53–56	14
VIII.	Conclusions	57–58	14

I. Introduction

1. The International Criminal Court (hereinafter "the Court") was established by the Rome Statute (hereinafter "the Statute"), which was adopted on 17 July 1998 and entered into force on 1 July 2002.[1] As at 1 July 2005, 99 States had ratified or acceded to the Statute.

2. The Court is an independent, permanent judicial institution with jurisdiction over persons for the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.[2] The Statute recognizes that States have the primary responsibility for investigating and punishing these crimes. The Court is complementary to the efforts of States to investigate and prosecute international crimes. It may only exercise its jurisdiction over cases where national systems do not conduct proceedings or where they are unwilling or genuinely unable to carry out such proceedings. By helping to ensure that the perpetrators of genocide, crimes against humanity and war crimes do not go unpunished, the Court is intended to contribute to the prevention of these serious international crimes.

3. The Court is the centrepiece of an emerging system of international criminal justice which includes national courts, international courts and hybrid tribunals with both national and international components. These institutions of criminal justice are also closely linked to efforts to establish and maintain international peace and security. In his report to the Security Council of August 2004, the Secretary-General of the United Nations observed, "[the United Nations] experience in the past decade has demonstrated clearly that the consolidation of peace in the immediate post-conflict period, as well as the maintenance of peace in the long term, cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice".[3] The International Criminal Court is intended to contribute to efforts to restore and maintain international peace and security and guarantee lasting respect for and the enforcement of international justice.

4. As a judicial institution, the Court is designed to conduct fair, impartial and efficient investigations, prosecutions and trials. Its Statute, Rules of Procedure and Evidence[4] and other supplementary texts include detailed safeguards to ensure the integrity of the Court's proceedings. At all stages of proceedings, the rights of the accused and other actors are guaranteed through both substantive law and procedural mechanisms. In addition, the Statute contains innovative provisions permitting victims to participate in proceedings and to obtain reparations from the Court.

5. To be effective, the International Criminal Court must work closely with a number of critical partners, including States and international, regional and non-governmental organizations. The Court does not have its own police force capable of implementing its decisions or orders. Instead, the Court requires the cooperation of States in many areas, including evidence collection, the arrest and surrender of persons and the enforcement of sentences. The Statute imposes detailed obligations on States parties to cooperate with the Court. The Court will also need the assistance of other States in a position to assist the Court as well as that of international, regional and non-governmental organizations. Formal agreements between the Court and such actors facilitate cooperation.

6. Effective cooperation with the United Nations is particularly important to the Court. The Statute recognizes specific roles for the United Nations and the Security Council. The Relationship Agreement, concluded on 4 October 2004 by the President of the Court and the Secretary-General of the United Nations on behalf of their respective institutions, affirms the independence of the Court while establishing a framework for cooperation.[5] The agreement provides for institutional relations between the Court and the United Nations, including the granting to the Court of observer status at the General Assembly. The Relationship Agreement also contains provisions on cooperation and judicial assistance that are crucial to the Court's operational activities.

7. While the Statute entered into force on 1 July 2002, the Court only truly came into existence with the inauguration of the judges, the Prosecutor and the Registrar in March, June and July 2003 respectively. Since that time, the elected officials and staff of the Court have worked hard to prepare the Court for its judicial operations. The Court has recruited a permanent staff of 323 people from 58 countries, developed its administrative policies and established its infrastructure. The Court places heavy emphasis on the recruitment of highly qualified staff. The Court's selection of staff in the Professional category is guided in principle by a system of desirable ranges based on that of the United Nations. States may assist the Court in identifying qualified candidates from underrepresented States.

8. The Court is now at the beginning of the judicial phase of its operations. Three States parties — Uganda, the Democratic Republic of the Congo and the Central African Republic — have referred situations in their respective territories to the Prosecutor. In addition, the Security Council has referred the situation in Darfur, the Sudan, to the Prosecutor. One non-State party, Côte d'Ivoire, has lodged a declaration accepting the jurisdiction of the Court. Having evaluated the information made available to him, the Prosecutor has initiated investigations in the Democratic Republic of the Congo; Uganda; and Darfur, the Sudan. The Prosecutor has also received over 1,300 communications relating to situations that might fall within the jurisdiction of the Court. In addition to the situations under investigation, the Prosecutor is currently monitoring eight other situations around the world, including in the Central African Republic and Côte d'Ivoire.

9. The Court is establishing its operations in the field in connection with the situations under investigation. The Pre-Trial Chambers have begun the first judicial proceedings and the first trial proceedings are expected to begin in 2006, provided the Court receives sufficient cooperation from States in arresting and surrendering persons.

II. Activities involving the whole Court

10. Guaranteeing a fair trial requires respecting the independence of the Court's different organs under its Statute, namely the Presidency; the Appeals, Trial and Pre-Trial Divisions; the Office of the Prosecutor; and the Registry. While respecting this independence, the organs must work together as one Court on matters of common concern. The Coordination Council, comprised of the President on behalf of the Presidency, the Prosecutor and the Registrar, leads the Court in ensuring general coordination among the organs on administrative matters of common

concern. The Coordination Council also invites the Director of the Secretariat of the Assembly of States Parties to participate in meetings on issues of mutual interest.

11. In order to ensure effective, integrated development, the Court has made a priority of establishing a strategic planning process. The Court is developing a five-year strategic plan that will define strategic goals for the Court and a strategy for achieving those goals. Although the plan is still in the early stages, the Court has identified a provisional set of Court goals and substantially developed a "capacity model" that will assist the coordinated planning of the Court's resource needs. Work done on the strategic plan has already contributed to the structural cohesion of the budget and to the identification and development of common policies on issues such as external relations and field offices.

12. The Court is committed to the sound financial management of its activities. To ensure an effective internal audit mechanism, the Coordination Council has adopted a Charter for Internal Audit. This Charter clarifies and elaborates the legal mandate of the existing Office of Internal Audit. It also establishes an Oversight Committee to advise the Office and ensure management involvement while respecting the independence of the Office.

13. The Court has adopted a common approach to the entirety of its external relations, public information and outreach activities. The Court is concluding a wide range of agreements to facilitate different aspects of its operations. Agreements have been concluded with the governments of the Democratic Republic of the Congo and Uganda to facilitate the Court's operations in connection with the investigations in those countries. As indicated above, the Court concluded the Relationship Agreement with the United Nations in 2004. An agreement with the United Nations Mission in the Democratic Republic of the Congo (MONUC) is being negotiated. The Court is in the process of negotiating agreements for cooperation with other international and regional organizations, including the African Union and the European Union. Other agreements have been negotiated or will be negotiated with States on specific issues of necessary cooperation, such as the acceptance of prisoners sentenced by the Court and the relocation of witnesses. It is important that States parties conclude such agreements, which provide for essential cooperation with the Court.

14. Regular contacts with interested partners help to ensure the transparency and accountability of the Court, as well as provide necessary feedback on key policies and decisions. The Court currently holds three regular diplomatic briefings for representatives of States each year, with two briefings being held in The Hague and one in Brussels. The Court and its representatives also meet regularly to exchange information with representatives of individual States or groups of States or with non-governmental organizations both at the seat of the Court and elsewhere. Expert consultations, online public hearings and other forms of communication have been held in the course of developing essential Court documents. For example, the Court held an online public hearing on victims and defence issues in the preparation of the Regulations of the Court.[6] This hearing allowed wide participation in the process of adopting the Regulations and the Court received responses from all over the world.

15. The Office of the Prosecutor and the Registry have devoted particular attention to working closely together in the field. The Court is operating two field offices — one in Kinshasa and one in Kampala — as well as a field presence in Bunia, the Democratic Republic of the Congo. The Court is also evaluating its needs in

connection with the investigation in Darfur. These field operations are joint initiatives of the Office of the Prosecutor and the Registry and carry out the functions described in the sections below on the activities of each organ.

16. In establishing and maintaining field operations, the Court has encountered a number of challenges. Security is often a concern, particularly where the Court is active in situations of ongoing conflict. Establishing reliable logistics can also be difficult. Each situation presents its own challenges in terms of the geographical location as well as the linguistic and cultural composition of the region. To be effective, the Court must make contacts within local communities and find reliable intermediaries for disseminating information and carrying out necessary functions. As a consequence, the success of the Court's field activities depends to a large extent on the cooperation it receives from the State where the Court operates, as well as other States and international or regional organizations in a position to affect cooperation.

III. Presidency

17. The Presidency consists of three judges elected by their peers. They are President Philippe Kirsch (Canada), First Vice-President Akua Kuenyehia (Ghana) and Second Vice-President Elizabeth Odio Benito (Costa Rica). The Presidency's functions may be grouped into three main areas: administrative, judicial and external relations.

18. The Presidency's administrative functions include both exercising managerial oversight of the Registry and ensuring the effective delivery of services by the Registry to the judiciary. In its oversight function, the Presidency has provided input into a wide range of administrative policies and issued presidential directives on issues such as the staff regulations, information security and trust funds of the Court.

19. In the exercise of its judicial functions, the Presidency organizes the judicial work of the Chambers and carries out specific judicial functions assigned to the Presidency by the Statute, Rules of Procedure and Evidence and Regulations of the Court. Among its activities, the Presidency has convened six plenary sessions of the judges, constituted Pre-Trial Chambers and assigned the situations referred to the Prosecutor to Pre-Trial Chambers. The Presidency has approved standard forms for victims to apply to participate in proceedings and is considering standard forms for victims to apply for reparations. The Presidency has also contacted States to enquire if they would agree to be placed on a list of States willing to accept persons sentenced to a term of imprisonment by the Court.

20. The Presidency's external relations activities include the negotiation and conclusion of agreements on behalf of the Court and the promotion of public awareness and understanding of the Court. The President has met with heads of State and Government, government officials, representatives of States, parliamentarians and representatives of international and regional organizations. He has also played a leading role in addressing non-governmental organizations, academics, the media and the public at large about the role and functions of the Court. Such initiatives are intended to enhance understanding of the Court and thereby increase acceptance of the Court.

IV. Chambers

21. The Chambers consist of 18 judges, including the members of the Presidency, organized in three divisions. The current judges, all of whom took up office in March 2003, are:

(a) Appeals Division: Georghios Pikis (Cyprus), President of the Division; Philippe Kirsch (Canada); Navanethem Pillay (South Africa); Sang-Hyun Song (Republic of Korea); and Erkki Kourula (Finland);

(b) Trial Division: Elizabeth Odio Benito (Costa Rica); Karl T. Hudson-Phillips (Trinidad and Tobago); Maureen Harding Clark (Ireland); René Blattmann (Bolivia); Anita Ušacka (Latvia); and Adrian Fulford (United Kingdom of Great Britain and Northern Ireland);

(c) Pre-Trial Division: Hans-Peter Kaul (Germany), President of the Division; Akua Kuenyehia (Ghana); Claude Jorda (France); Tuiloma Neroni Slade (Samoa); Mauro Politi (Italy); Fatoumata Dembele Diarra (Mali); and Sylvia Steiner (Brazil).

22. Upon assuming office, the judges began preparing to ensure that all proceedings before the Court are fair, independent, impartial and efficient. In May 2004, the judges adopted the Regulations of the Court in accordance with article 52 of the Statute. These Regulations cover the range of the Court's activities and are necessary to the Court's routine functioning. The Regulations were considered by the States parties without objection. The judges did receive and consider a few comments on the Regulations and made a few technical revisions of the French version of the Regulations. The Regulations called for the judges to adopt a Code of Judicial Ethics. This Code — an innovation for international criminal tribunals — was adopted by the judges at their plenary session of March 2005.[7]

23. The judges have also been preparing for the technical aspects of proceedings. They meet in chambers, divisions, plenary sessions and other regular meetings to coordinate and discuss matters of joint interest, such as the practical aspects of victims' participation in proceedings, disclosure of documents, presentation of evidence, translation and interpretation and issues relating to the defence and the accused.

24. The Court has begun its first judicial proceedings at the pre-trial level. The Presidency has constituted three Pre-Trial Chambers[8] and assigned each situation referred to the Prosecutor as follows:

(a) Pre-Trial Chamber I: Democratic Republic of the Congo; Darfur, the Sudan;

(b) Pre-Trial Chamber II: Uganda;

(c) Pre-Trial Chamber III: Central African Republic.

25. On 17 February 2005, Pre-Trial Chamber I issued the first judicial decision of the chambers in a case, deciding to convene a status conference with the Prosecutor and his representatives on the situation in the Democratic Republic of the Congo.[9] Since then, Pre-Trial Chamber I has held a number of hearings and issued several decisions in relation to this situation.[10]

V. Office of the Prosecutor

26. The Office of the Prosecutor (hereinafter "the Office") is responsible for receiving and analysing referrals and information in order to determine whether there is a reasonable basis to investigate; for conducting investigations into genocide, crimes against humanity and war crimes; and for conducting prosecutions before the Court of persons responsible for such crimes.

27. The Chief Prosecutor, Luis Moreno-Ocampo (Argentina), was sworn in on 16 June 2003. In the two years since then, major priorities have been (a) creating the Office and recruiting the Office team; (b) engaging in consultation and dialogue with stakeholders in the development of guiding strategies; and (c) launching the first operational activities, which currently include investigations in three situations: Uganda, the Democratic Republic of the Congo and Darfur, the Sudan.

28. The Office of the Prosecutor must carry out its activities in contexts of ongoing violence and instability, without the benefit of its own enforcement apparatus, and is expected to do so in a manner that is both exemplary and cost-effective. The Office has taken several key strategic decisions to guide its operations, including the following: a collaborative approach with the international community, fostering strong cooperation; a positive approach to complementarity, encouraging genuine national proceedings wherever possible; a policy of targeted prosecution, focusing on the persons who bear the greatest responsibility; efficient investigations and focused charges; and a small and flexible Office relying on external networks of support. In 2004, the Office started investigations in the two gravest situations under its treaty jurisdiction (Democratic Republic of the Congo and Uganda) and did so with the agreement of the territorial States.

Creating the Office

29. The Office has grown from 7 members when the Prosecutor took office to 91 fixed-term staff in July 2005. The Deputy Prosecutor (Investigations), Serge Brammertz (Belgium), was sworn in on 3 November 2003 and the Deputy Prosecutor (Prosecutions), Fatou Bensouda (the Gambia), was sworn in on 1 November 2004.

30. The Office has critically examined and refined its organization, in order to arrive at a structure that best reflects its functions. A multidisciplinary approach brings together investigators, analysts, trial attorneys, cooperation advisers, victims experts and others in the common goal of conducting focused and effective investigations. An Executive Committee comprised of the heads of divisions and chaired by the Prosecutor provides advice on major decisions, such as the initiation of investigations, and promotes coordination of activities.

31. The Office has also developed legal tools to carry out its work efficiently, including templates and databases for preparing and tracking requests for assistance, as well as four internal protocols to ensure compliance with statutory duties on disclosure, questioning witnesses, the principle of objectivity and unique investigative opportunities. The Office is also developing a case management application (the "case matrix") and analytical materials on crimes and procedures in the Statute.

Consultation with partners

32. Consistent with the approach of the Court as a whole, the Prosecutor initiated a practice of consultation with stakeholders from the outset of his term, with a public hearing in June 2003 to receive input on general strategy and priority tasks. A draft policy paper was discussed at the public hearing, made available on the website for public comment and finalized in September 2003. In addition, a draft annex to the policy paper, concerning an analysis of referrals and communications, has been posted on the website for comment.

33. The Office also conducted a series of expert consultation processes, involving over 125 criminal justice experts, preparing reports on issues such as length of proceedings, investigations and State cooperation, and complementarity in practice. The reports are on the Court's website.

34. The Office has continued this practice of consultation, including several meetings with non-governmental organizations between 2003 and 2005, and a first meeting with States parties on 20 June 2005 to discuss strategies and activities of the Office. The Office is currently developing a methodology for assessing the interests of justice (article 53 of the Rome Statute) and is conducting consultations with States parties, the United Nations and non-governmental organizations on this and other issues.

Activities

35. As noted above, the Office has initiated investigations into three situations (Democratic Republic of the Congo, Uganda and Darfur, the Sudan) and is also collecting information on eight other situations of concern.

36. The Office of the Prosecutor is investigating the situation in Uganda, which involves allegations of large-scale abductions, killings, torture and sexual violence. The majority of alleged abductees are children. The investigation in Uganda is at an advanced stage after 10 months of work. The Office has conducted over 50 trips to the field; interviewed crime base witnesses, overview witnesses and others; and collected documents, videos, photographs and other materials. The Office concluded a cooperation agreement with the Government of Uganda and benefits from excellent cooperation from the Government and other cooperation partners. The Office has made several missions to engage with local groups to establish relationships for cooperation and assessing interests of victims and invited community leaders to The Hague to discuss how to coordinate the respective efforts of the Office and community leaders. The Office of the Prosecutor and the Registry have established a field office in Uganda.

37. The Office of the Prosecutor is investigating the situation in the Democratic Republic of the Congo, which involves allegations of thousands of deaths by mass murder and summary execution since 2002, as well as large-scale patterns of rape, torture and use of child soldiers. There are many areas of extreme insecurity and ongoing conflict, with no effective State presence. Numerous armed groups active in the Democratic Republic of the Congo are allegedly involved in crimes. Given the scale of the situation, the investigation of cases in the Democratic Republic of the Congo will proceed in sequence. One or two cases, selected on the basis of gravity, are prioritized in 2005, while other cases will be developed subsequently. The first investigations are progressing well. The Office has carried out over 50 trips to the

field; collected over 11,000 documents; interviewed over 60 persons; and collected documents, videos, photographs and other materials. The Office of the Prosecutor and the Registry have established a field office in Kinshasa and a field presence in Bunia. The Office has concluded a cooperation agreement with the Government; however, the Government faces great logistical challenges and many areas are not under effective control, so inability to rely on effective cooperation remains a great challenge for the investigation. Cooperation from MONUC will be essential, as will be cooperation from others with relevant information.

38. The Office of the Prosecutor is investigating the situation in Darfur, the Sudan, which involves allegations of the killing of thousands of civilians and the widespread destruction and looting of villages, leading to the displacement of approximately 1.9 million civilians, as well as allegations of a pervasive pattern of rape and sexual violence and persistent targeting and intimidation of humanitarian personnel. Following the referral, the Office collected more than 2,500 items from the International Commission of Inquiry on Darfur, as well as over 3,000 documents from other sources. The Office was in contact with more than 100 groups and individuals and interviewed more than 50 experts. On 1 June 2005, the Prosecutor initiated an investigation and informed Pre-Trial Chamber I, followed by a public announcement thereafter.

39. The Office has been in contact with authorities from the Sudan, the African Union, the United Nations and other partners to discuss cooperation. The Prosecutor presented a report to the Security Council on 29 June 2005. The Office will identify those individuals who bear the greatest responsibility for the crimes and will assess the admissibility of the selected cases. The Office is planning its investigation and working actively in developing operational support.

40. Cooperation is essential for all investigations. The Office has concluded cooperation agreements under article 54, paragraph 3 (d), of the Rome Statute to facilitate its work, including with Uganda, the Democratic Republic of the Congo and the International Criminal Police Organization (Interpol), as well as some States parties and non-governmental organizations, and participates in the negotiation of Court-wide agreements with essential actors such as the African Union, the European Union and MONUC.

VI. Registry

41. The Registry is headed by the Registrar, Bruno Cathala (France), who was elected by the judges on 24 June 2003. The core functions of the Registry are the following: to provide administrative and operational support to the judiciary and to the Office of the Prosecutor, as well as to the Registry's activities in the areas of defence, victims, communications and security; to ensure the servicing of the Court; and to develop effective mechanisms to assist victims, witnesses and defence with a view to safeguarding their rights in accordance with the Statute and the Rules of Procedure and Evidence. Furthermore, the Registry has a key role to play in ensuring public proceedings. In addition to its activities at headquarters, with the launching of the three investigations by the Office of the Prosecutor, the Registry is establishing and developing field operations.

Headquarters

42. Over the last two years, the Registry has worked to build the operational and administrative support structures for the Court as a whole, while also establishing the necessary mechanisms, policies and regulations to pursue its mandate in the areas of victims' participation and reparations, witness protection, defence and outreach.

43. As the Court develops, the Registry must ensure that the administrative structures meet the Court's needs. The Registry has developed mechanisms, relevant policies and procedures to ensure the efficient and effective delivery of high quality services to all organs of the Court. The Registry has, inter alia, prepared the Court's yearly budget submissions, issued policies and rules such as the staff rules, ensured finalization of the courtrooms, concluded a range of contracts and implemented a procurement plan for the Court. In order to enable the Court to operate efficiently and to work in a web-based environment, the Registry has established a number of information systems. The Registry has also undertaken comparative studies in relation to the establishment of the permanent premises of the Court.

44. The Division of Court Services has developed the necessary structures to guarantee organizational support for courtroom hearings; the receipt, recording and distribution of information; and translation and interpretation services for the whole Court. Interim detention facilities have been identified and the design of permanent facilities will be finalized soon.

45. One of the specific functions of the Registry is to ensure adequate legal representation for victims seeking to participate in proceedings or obtain reparations. An Office of Public Counsel for Victims will offer necessary legal assistance to victims. To assist victims in participating in all stages of the proceedings and to enable them to claim reparations, the Registry has created standard application forms for victims' participation and reparations. The Presidency has approved the forms for victims' participation and is considering the application forms for reparations. Aware of the importance of informing affected populations about the Court's mandate and proceedings, the Victims Participation and Reparation Section has developed outreach campaigns and information materials on the rights of victims. A trust fund for victims has been established and voluntary contributions are welcome.

46. The Registry has developed a legal aid scheme to ensure sufficient means for the defence and due respect for the rights of the accused, while maintaining transparency and accountability in the administration and control of Court resources. The Office of Public Counsel for Defence will support counsel and accused, including through the representation and protection of rights of the accused during the initial stages of an investigation. To execute its mandate on defence issues properly, the Registry has conducted extensive consultations with members of the legal profession, bar associations, and other interested partners. A revised draft code of professional conduct for counsel has been prepared by the Bureau of the Assembly of States Parties and will be submitted for the approval of the Assembly at its forthcoming session.

47. The Registry has continued its efforts to raise awareness of the Court and its activities by organizing briefings, seminars and workshops at the seat of the Court for the media, professionals and students from various countries. The Registry has

strengthened the Court's public information capacity in order to support the implementation of outreach services in the countries where the Court is active. A Documentation Centre has also been set up. The Court maintains a website to share information effectively with the media, non-governmental organizations, educational institutions, States parties and the public at large.[11]

48. As with the Court as a whole, the Registry recognizes the importance of regular dialogue with partners. The Registrar has conducted consultations with States parties both at the seat of the Court and in New York. The Registry also maintains a constructive dialogue with the host State on various aspects of the work of the Court. The Registrar has held meetings at the seat of the Court with non-governmental organizations on matters falling within the responsibilities of the Registry. Extensive expert and online consultations, as well as seminars, were conducted with a wide range of stakeholders in preparing documents such as the Regulations of the Registry, the draft code of professional conduct for counsel and the standard application forms mentioned above.

Field operations

49. In the field, the Registry both provides administrative support to the Court's field operations and pursues its specific mandate in the areas of victims, witnesses, defence and outreach.

50. Support to field activities entails, inter alia, finding safe premises, installing secure equipment to meet information technology and general services needs and obtaining reliable means of transport, including vehicles suited to the terrain. The safety of the Court's teams working on the ground, as well as that of victims and witnesses, must also be guaranteed. The requirements of logistics and security can vary greatly between situations. In areas where the United Nations has a presence, cooperation between the Court and the United Nations facilitates the Court's field activities.

51. In pursuing its specific mandate, the Registry fully recognizes the importance of having sound national capacities and strong local networks in place in the countries where the Court is active in the field. The Registry has undertaken a number of training programmes targeting local authorities such as police, media, defence lawyers, magistrates and non-governmental organizations in both the Democratic Republic of the Congo and Uganda. The support and cooperation of States parties in relation to strengthening the capacity of local actors and building local networks is crucial.

52. In conducting outreach, the Registry relies on local actors. Identifying reliable intermediaries to be used when reaching affected communities and victims and adequately training these intermediaries are priorities. The Court must ensure such intermediaries provide accurate and timely information on the Court. The Registry has produced information products, action plans and directories of key partners/target groups and has set up channels of communication. The groundwork for the provision of information about trials has also been established. In pursuing its work in the field, the Registry is adapting its working methods to the realities on the ground, keeping mindful of local cultures and customs.

VII. Assembly of States parties

53. After holding its first two sessions at United Nations Headquarters in New York, the Assembly of States parties held its third session in The Hague, from 6 to 10 September 2004.[12] The fourth session will also be held in The Hague, from 28 November to 3 December 2005, while a resumed session is scheduled to take place at United Nations Headquarters in New York on 26 and 27 January 2006. At the resumed session, the Assembly will proceed with the election of six judges and six members of the Committee on Budget and Finance. The nomination period for both judges and members of the Committee was fixed at 18 July to 9 October 2005.

54. As regards subsidiary bodies, in 2002 the Assembly established the Committee on Budget and Finance. The Committee is responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications, as well as any other matters of a financial, budgetary or administrative nature entrusted to it by the Assembly.[13] The Committee will hold its fifth session in The Hague from 10 to 14 October 2005, during which it will, inter alia, consider the proposed budget for 2006, performance reports for 2004 and 2005 and proposals regarding permanent premises of the Court.

55. Pursuant to Assembly resolution ICC-ASP/3/Res.8,[14] on 1 December 2004 the Bureau of the Assembly established two working groups, based in The Hague and New York. The working group in The Hague considered the following issues: the permanent premises of the Court; the draft code of professional conduct for counsel; and issues related to the host State, including the draft headquarters agreement. For its part, the New York working group considered the relationship with the United Nations, in particular the matter of a liaison office for the Court at the United Nations; the arrears of States parties; and the draft regulations of the trust fund for victims. The outcome of these discussions will be considered by the Assembly during its fourth session.

56. The second informal intersessional meeting of the Special Working Group on the Crime of Aggression was held from 13 to 15 June 2005 at the Liechtenstein Institute on Self-Determination at the Woodrow Wilson School, Princeton University, United States of America.[15]

VIII. Conclusions

57. The establishment of the International Criminal Court was a historic development in efforts to hold accountable perpetrators of the most serious international crimes and to deter such crimes. Moreover, the United Nations High-level Panel on Threats, Challenges and Change concluded that, with respect to preventing conflicts, "In the area of legal mechanisms, there have been few more important recent developments than the Rome Statute creating the International Criminal Court".[16]

58. Two years after the judges, Prosecutor and Registrar assumed office, the Court is making substantial progress in developing its capacity and exercising its core functions. However, the Court cannot succeed alone. The work of the Court is a common endeavour, dependent on the support and cooperation of all States parties, as well as other States, international organizations and civil society.

Notes

[1] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court Rome, 15 June-17 July 1998*, vol. I; *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[2] Additional information about the Court and its activities is available on the website of the Court (http://www.icc-cpi.int). The website includes press releases and information on each of the organs of the Court and the Assembly of States Parties. Documents available on the website include decisions of the chambers that are not of a confidential nature, the Official Journal of the Court and the Official Records of the Assembly of States Parties.

[3] S/2004/616, para. 2.

[4] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, first session, New York, 3-10 September 2002* (ICC-ASP/1/3) part II, sect. A.

[5] Ibid., *third session, The Hague, 6-10 September 2004* (ICC-ASP/3/25) part II, resolution ICC-ASP/3/Res.1, annex; United Nations document A/58/874, annex. Approved by the Assembly of States Parties to the Rome Statute on 7 September 2004 and by the General Assembly in its resolution 58/318 of 13 September 2004.

[6] Regulations of the Court, adopted 26 May 2004; *Official Journal of the International Criminal Court* (document ICC-BD/01-01-04).

[7] Code of Judicial Ethics, adopted 9 March 2005; *Official Journal of the International Criminal Court* (document ICC-BD/02-01-05).

[8] The membership of the three Pre-Trial Chambers is:

Pre-Trial Chamber I: Judges C. Jorda (presiding), A. Kuenyehia and S. Steiner;
Pre-Trial Chamber II: Judges T. N. Slade (presiding), M. Politi and F. Diarra;
Pre-Trial Chamber III: Judges S. Steiner (presiding), T. N. Slade and H-P. Kaul.

[9] Pre-Trial Chamber I decision ICC No. 01-04-9 of 17 February 2005, "Decision to convene a status conference", concerning the situation in the Democratic Republic of the Congo.

[10] Decisions issued by the Chambers that are not of a confidential nature are available on the website of the Court; see note 2, above.

[11] See note 2, above.

[12] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, third session, The Hague, 6-10 September 2004* (ICC-ASP/3/25).

[13] Ibid., *first session, New York, 3-10 September 2002* (ICC-ASP/1/3) part IV, resolution ICC-ASP/1/Res.4.

[14] Ibid., *third session, The Hague, 6-10 September 2004* (ICC-ASP/3/25) part III.

[15] See document ICC-ASP/4/SWGCA/INF.1.

[16] A/59/565, para. 90.